

REMARKS/ARGUMENTS

Applicants have amended claims 1, 3-5, 7, 9 and 12-14 and have cancelled claims 2, 18 and 19. Thus, claims 1 and 3-17 are currently pending in the application.

35 U.S.C. 112 Rejection

Claims 14 and 15 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Claim 14 has been amended to provide proper antecedent basis for “the at least one mounting member receiving slot” limitation found in claims 14 and 15. For this reason, Applicants request that the aforementioned rejection be withdrawn and that claim 14, which the Examiner indicated in the Official Action is allowable, be allowed. Accordingly, claims 15-17, which depend from allowable claim 14, should also be allowed.

35 U.S.C. 102(b) Rejection

Claims 1-6 and 9-13 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,571,897 to Kerr.

In addition, claims 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4,433,700 to Dohet.

Applicants respectfully assert that these rejections are moot in view of the amendments to claim 1. More specifically, Applicants have adding the following key language to claim 1:

a biasing member having first and second opposed ends, the first end of the biasing member being attached to the first edge strip and the second end of the biasing member being attached to second edge strip to maintain the panel in a flexed configuration.

Support for this added language is described in paragraphs [0012], [0038] and [0039] and is illustrated throughout the Figures. It is the claimed biasing member which tensions the panel and controls the degree of flexure and the edge strip provides the means to transmit the loading of stresses from the flexible panel to the biasing member.

Applicants respectfully submit that Kerr does not describe or suggest a that the edge strip provides the means to transfer the stress load. In addition, Kerr does not describe or suggest a configuration in which the opposing ends of a biasing member are attached to opposing edge strips to maintain the panel in a flexed, i.e. stressed, configuration. In contrast, Kerr describes beginning at column 3, line 36, the panel is maintained in flexed configuration by positioning the pair of mounting members/channel arrangements (26), which are affixed to respective supporting surfaces of the building structure, in spaced apart relation at a distance less than the dimension of the panel between its opposed edges. Kerr's panel is clearly not tensioned by a biasing member as required by amended claim 1.

Applicants further assert that Kerr's mounting members/channel arrangements (26) are not edge strips as set forth in claim 1. Kerr's mounting members/channel arrangements (26) is directly akin to Applicants' mounting bracket 76. If anything, Applicants' edge strips are similar to Kerr's cylindrical rods 28, 128 which are attached to opposing edges of the panel. However, Kerr's cylindrical rods contain only Applicants' panel receiving recess feature 50 which is a limitation set forth in dependent claim 5 of the instant application. Kerr's rod 28, 128 does not include a mounting member receiving area for attaching a mounting member such as the biasing member required by claim 1 or the support member required by claim 4. Kerr's rod is merely insertable into the arcuate channel of the mounting bracket (26).

For the reasons above, Applicants respectfully submit that Kerr does not describe or suggest the combination of features set forth in claim 1. Accordingly, Applicants submit that claim 1 is now in condition for allowance. Additionally, all claims which depend from amended claim 1 should be found allowable.

Additionally, claim 9 requires that the edge strip include an "arcuate channel" and that such channel be "spaced from the panel receiving recess and positioned proximate to an edge of the strip." Kerr's cylindrical rod 28 does not have an arcuate channel. The only arcuate channel shown or described by Kerr is the one provided on the mounting member/channel arrangement (26), i.e. the mounting member, which is discussed above.

Furthermore, claim 12, which now depends from claim 9, requires that the edge strip include a mounting member receiving which extends through the surface of the strip and into the arcuate channel. Also, claim 12 requires that the longitudinal axis of mounting member receiving slot be essentially perpendicular to the longitudinal axis of the arcuate channel. As set forth above, Kerr's cylindrical rod 28 does not contain any of the required features of claim 12.

With respect to claims 18 and 19, Applicants respectfully assert that the above rejection is moot in view of the cancellation of claims 18 and 19. Applicants have cancelled claims 18 and 19 in an effort to move prosecution of the application forward with respect to pending apparatus claims, namely 1 and 3-17. Applicants preserve the right to pursue the methodology set forth in claims 18 and 19 in a separate application.

35 U.S.C. 103(a) Rejection

Claims 7 and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Kerr in view of U.S. Patent Application Publication No. 2003/0159372 to Motro.

Applicants respectfully assert that each of the above rejection is moot in view of the amendments to claim 1. The arguments set for above with respect to the 102 rejection apply equally to the instant 103 rejection. As stated above, in view of the amendments to claim 1, from which claims 7 and 8 both depend, it is the Applicants' assertion that Kerr can no longer be used as a basis for a substantive rejection based

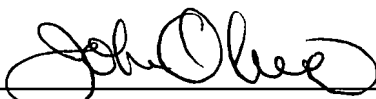
either on 102 or 103. Accordingly, Applicants request that the aforementioned 103 rejection be withdrawn.

Applicants submit that all currently pending claims are believed to be in a condition for allowance. Reconsideration is respectfully requested.

Respectfully submitted,

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